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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 470] नई दिल्ली, सोमवार, नवम्बर 17, 1986/कार्तिक 26, 1908
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इस भाग में मिला पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

गृह मंत्रालय
नई दिल्ली, 17 नवम्बर, 1986
अधिसूचना

का.अ. 842(अ).—केन्द्रीय सरकार ने विधि विरुद्ध
क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का
37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों
का प्रयोग करते हुए तारीख 1 मई, 1986 को नेशनल
काउन्सिल ऑफ़ खालिस्तान की विधि विरुद्ध संगम घोषित
किया था ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 5
की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए, तारीख 16 मई, 1986 को विधि विरुद्ध क्रियाकलाप
(निवारण) अधिकरण गठित किया था जिसमें आन्ध्र प्रदेश
उच्च न्यायालय के न्यायाधीश न्यायमूर्ति श्री सी. श्रीरामलू थे ;

और केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4
की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते

हुए, उक्त अधिसूचना को इस बात का न्यायनिर्णयन
करने के प्रयोजनार्थ कि उक्त संगम को विधि विरुद्ध घोषित
करने के लिए पर्याप्त कारण हैं या नहीं, 26 मई, 1986
को उक्त अधिकरण को निर्दिष्ट किया था ;

और उक्त अधिकरण ने, उक्त अधिनियम की धारा
4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए 30 अक्टूबर 1986 को आदेश पारित किया,

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की
उपधारा (4) के अनुसरण में उक्त अधिकरण का उक्त
आदेश प्रकाशित करती है, अर्थात्:—

आदेश

विधि विरुद्ध क्रियाकलाप (निवारण) अधिकरण के
सम्बन्ध (अंग्रेजी में प्रकाशित अधिसूचना देखिए)

[सं. 11/17017/38/86—आई एस (डी-7)]

सी० टी० बेंजामिन, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 17th November, 1986

NOTIFICATION

S.O. 842(E).—Whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967) declared on the 1st May, 1986 the 'National Council of Khalistan' to be an unlawful association:

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted on the 16th May 1986, the Unlawful Activities (Prevention) Tribunal consisting of Shri Justice C. Sriramulu, Judge of the Andhra Pradesh High Court;

And whereas the Central Government in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 26th May, 1986, for the purpose of adjudicating whether or not there was sufficient cause for declaring the association as unlawful;

And whereas the said Tribunal in exercise of the powers conferred by sub-section (3) of section 4 of the Act made an order on the 30th October 1986;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said order of the said Tribunal, namely:—

BEFORE THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL (CONSISTING OF SHRI JUSTICE C. SRIRAMULU) A.P. HIGH COURT BUILDINGS, HYDERABAD-500 266.

PRESENT

SHRI JUSTICE C. SRIRAMULU, JUDGE HIGH COURT OF ANDHRA PRADESH

In the matter of reference under Section 4(1) of the Unlawful Activities (Prevention) Act (Central Act 37 of 1967)

Reference Case No. 2 of 1986

In Re : The National Council of Khalistan.

The Union of India : Mr. Anand Swarup, Advocate, represented by Chandigarh.

For the National Council : No appearance, set ex parte, of Khalistan

Venue of the sittings : (1) At Hyderabad
and dates of hearing Preliminary sittings on 7-6-1986 and 9-7-1986.

(2) At New Delhi
Ground Floor Hall, Punjab Bhavan, Copernicus Marg, New Delhi.

21st July, and 22nd July; 7th, 8th, 18th, 19th and 20th August; 12th, 15th, 17th, 18th and 19th September and 27th October, 1986.

(3) At Simla
Cedar Circuit Home, Punjab Government House, Simla.
16th, 17th and 20th October, 1986.

Date of this Order : 30th October, 1986 at Punjab Bhavan, Ground Floor Hall, New Delhi.

The Tribunal having issued Show Cause Notice under Section 4(2) of the Unlawful Activities (Prevention) Act (Central Act 37 of 1967) (hereinafter referred to as 'the Act') on 7-6-1986 at High Court Buildings, Hyderabad, to the National Council of Khalistan and its office-bearers individually for their appearance and having issued further Notice under Section 4(3) of the Act fixing the venue and dates of enquiry and having held enquiry in the presence of Mr. Anand Swarup, Advocate for the Central Government, at the venues and on the dates mentioned above and having heard the said counsel on 27-10-1986 and the National Council of Khalistan and its office-bearers having remained ex parte in spite of sufficient service of the Notices, made on this the 30th October, 1986, the following Order :

ORDER

C. SRIRAMULU, J. :

The Central Government by Notification S.O. No. 219(E) published in the Gazette of India Extra-Ordinary, Part II, Section 3, Sub-section (ii), dated 1-5-1986, issued under Section 3, Sub-section (1), has declared the National Council of Khalistan to be an 'Unlawful Association' as defined in the Act and directed, under the proviso to Sub-section (3) of that Section, that the said Notification shall, subject to any order that may be made under Section 4 of the Act, have effect from the date of its publication in the official Gazette.

The said Notification thus issued runs as follows :

"MINISTRY OF HOME AFFAIRS

New Delhi, the 1st May, 1986

NOTIFICATION

S.O. 219(E).—Whereas the organisation known as the 'National Council of Khalistan' (hereinafter referred to as the Council)—

(i) which had through the declaration of Shri Balbir Singh Sandhu, its Secretary-General, proclaimed as its objective the establishment of an autonomous, separate Sikh State of Khalistan has been encouraging the secessionist and violent activities of the organisation known as 'Dal Khalsa';

(ii) whose President, Dr. Jagjit Singh Chauhan, who also claims himself to be the 'President' of the 'Republic of Khalistan', had extended threats through foreign media to the late Prime Minister of India, Smt. Indira Gandhi and other national leaders, and instigated the Sikh extremists to undertake her assassination by announcing huge sums of money for the purpose, and had announced the formation of a 5-member committee to carry on the work of 'Khalistan Government' and also the appointment of Ambassadors and other Consular officers of the so-called (Government of Khalistan', and who had, through information furnished to newspapers, justified the demand for a separate sovereign State, and urged his followers to burn the Indian National Flag and the Constitution of India and hoist the "Khalistan flag";

(iii) whose office-bearers and activists abroad indulge in writing threatening letters to leaders in India and had undertaken the printing and distribution of so-called 'currency notes on behalf of the 'Republic of Khalistan'; and

(iv) whose activists in India are indulging in pro-Khalistan and anti-Hindu propaganda;

And whereas the Central Government is of the opinion that for the reasons aforesaid, the Council is an unlawful association;

And whereas the Central Government is further of the opinion that because of the talks, utterances, writings and other activities of the President and other activists of the Council, it is necessary to declare the council to be unlawful with immediate effect;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the 'National Council of Khalistan' to be an unlawful association and directs, in exercise of the powers conferred by the proviso to Sub-section (3) of that Section, that this notification shall, subject to any order that may be made under Section 4 of the said Act, have effect from the date of its publication in the Official Gazette."

The Central Government has, by Notification dated 16-5-1986 published in the Gazette of India, Extra-ordinary, Part II, Section 3, Sub-section (ii), issued under Sub-section (1) of Section 5 of the Act, constituted this Tribunal and under Section 4(1) of the Act, the Central Government has referred the said Notification dated 1-5-1986 to this Tribunal, issued under Section 3(1) of the Act, for the purpose of adjudicating "whether or not there is sufficient cause for declaring the National Council of Khalistan an "Unlawful Association", as defined under the Act" ?

Thereafter, this Tribunal issued Notice on 7-6-1986 under Section 4(2) of the Act calling upon the association/organisation, namely, the National Council of Khalistan, and each of its office-bearers affected by the Notice to "Show Cause" in writing within 30 days from the date of service of such Notice why the association/organisation of the National Council of Khalistan should not be declared an "Unlawful Association" under the Act.

The said Notice in the name of the association/organisation, the National Council of Khalistan, and also of each of the office-bearer of the National Council of Khalistan was sent to their last known address by registered post with Acknowledgement Due and all such registered letters sent in the names of the National Council of Khalistan and each of its office-bearer have been returned unserved, as addressees "not found".

The said Notice in the name of the association and also each of its office-bearer was served on such association and its office-bearer by affixing a copy of the Notice on a conspicuous part of the last known address of the National Council of Khalistan, and also that of each of the office-bearer of the association.

The said Notice in the name of the association and also that of each of the office-bearer of the association of the National Council of Khalistan was also served on such association and each of its office-bearer by "proclaiming by beat of drum" and by means of "loud speaker" announcing the contents of the Notice in the area in which the activities of the association were ordinarily carried on before the first ban.

Further, the said Notice has also been served by their publication in two English, two Punjabi and each of Hindi and Urdu daily newspapers calling upon the National Council of Khalistan and each of its office-bearer to appear and "Show Cause" in writing addressed to the Registrar of the Tribunal, Hyderabad, at the address shown therein, either personally or through their counsel and that, in default, it will be considered

that the said association and its office-bearers have no presentation to make and that the enquiry in the case will be conducted in their absence ex parte.

In a further Notice issued by this Tribunal dated 9-7-1986 under Section 4(3) of the said Act, containing detailed facts stated in the above paras as to the mode of publication of the Notice issued under Section 4(1) of the Act dated 7-6-1986 were mentioned and a further opportunity was given to the association/organisation the National Council of Khalistan, and each of its office-bearer, intimating the dates and venue of the enquiry to be held in the case and further calling upon the said association and any person on their behalf desiring to give evidence in the case, to appear in person or through an authorised representative and participate in the enquiry for adjudicating the question "whether or not there is sufficient cause for declaring the National Council of Khalistan" an "Unlawful Association" and further informing them that if they fail to appear and participate in the said enquiry in the case the Tribunal will proceed with the enquiry in their absence ex parte. This Notice dated 9-7-1986 issued by this Tribunal under Section 4(3) of the said Act was issued in the name of the association, the National Council of Khalistan, and each of its office-bearer to their last known address by registered post with Acknowledgement Due and all such registered cover have been returned unserved as addressee "not found". The said Notice issued under Section 4(3) of the Act was also published in two English, two Punjabi and each of Hindi and Urdu daily newspapers.

In spite of the service of the said Notices issued by this Tribunal, none appeared on behalf of the association/organisation, the National Council of Khalistan, during the enquiry and the hearing of the case on the dates mentioned above. In each of the said two Notices issued, the names and addresses of each of the office-bearer of the organisation/association, the National Council of Khalistan, were mentioned. In the circumstances, they were set ex parte and the enquiry proceeded accordingly behind their back.

The Preamble of the Act clearly lays down that the Unlawful Activities (Prevention) Act, 1967, is an Act to provide for the more effective prevention of certain unlawful activities of individuals and associations and for matters connected therewith. The necessity for the Central Government to constitute this Tribunal arose on account of certain activities carried on by association called by the name the National Council of Khalistan in the State of Punjab and elsewhere which the Central Government considered them as "Unlawful". It is to be borne in mind that it is not for the first time that the Central Government initiated action and proceedings against the association/organisation namely the National Council of Khalistan and declared as "Unlawful Association" in the exercise of its powers under Section 3(1) and the proviso to Sub-section (3) of the Act, and such Notifications issued by the Central Government were confirmed by the respective Tribunals constituted under the Act. The Central Government as early as in 1982 declared the association known as the National Council of Khalistan an "Unlawful Association" as defined in the Act by Notification bearing No. S.O. 296(E) dated 1-5-1982 marked as Ex. G-1 on the grounds mentioned therein. By another Notification bearing No. S.O. 374(E) dated 29-5-1982, as regard the National Council of Khalistan, the Central Government constituted the Tribunal consisting of Mr. Justice D.N. Mehta, a Judge of the Bombay High Court, under the said Act and referred the said Notification to the said Tribunal. The said Tribunal by its order dated 19th October, 1982, Ex. G-3,

confirmed the Notification issued by the Central Government dated 1-5-1982 and held that there was sufficient cause for declaring the National Council of Khalistan as an "Unlawful Association" under the provisions of the said Act. Under the provisions of the said Act, the said Notification dated 1-5-1982, in view of the confirmation order, Ex. G-3, passed by the Tribunal consisting of Shri Justice D.N. Mehta of the Bombay High Court, remained in force against the National Council of Khalistan for a period of two years from 1-5-1982 to 30-4-1984.

Thereafter, the Central Government by Notification, Ex. G-2 published in the Gazette of India Extraordinary in S.O. No. 339(E) dated 1-5-1984 as regards the National Council of Khalistan issued under Section 3(1) read with proviso to Sub-section (3) of that Section, declared the association/organisation, the National Council of Khalistan, to be "Unlawful Association" under the said Act and referred the said Notification to the Tribunal consisting of Justice P.R. Gokulakrishnan, Judge, High Court of Madras (as he then was) for adjudicating whether or not there was sufficient cause for declaring the National Council of Khalistan as an "Unlawful Association". The said Tribunal by its order dated 25-10-1984 under Ex. G-4 confirmed the said Notification issued by the Government of India and declared the association/organisation, the National Council of Khalistan, as an "Unlawful Association".

In view of the present Notification, Ex. G-5, issued by the Central Government in S.O. No. 219(E) dt. 1-5-1986 declaring the National Council of Khalistan as an "Unlawful Association" and the reference, Ex. G-6, made to this Tribunal under S. 4(1) of the said Act for the purpose of adjudicating whether or not there is sufficient cause for declaring the National Council of Khalistan as "Unlawful Association", the following two questions have to be determined by this Tribunal in this case.

1. Whether or not there is sufficient cause for declaring the National Council of Khalistan as an "Unlawful Association"?
2. Whether the Notification, Ex. G-5, issued by the Central Government is in accordance with the provisions of the Act?

Before I take up for consideration the evidence adduced by the Central Government, it is expedient to consider the meaning of the expressions "association", "unlawful association", and "unlawful activity" and the scope and meaning of the other provisions of the Act which are material for consideration in this case.

"Any combination or body of individuals" is an "association" under S. 2(a) of the Act. What makes such an association as 'Unlawful Association' is dealt with in Section 2 (g) of the Act which reads thus :

Section 2(g) :

"Any Association—

(1) which has for the object—

- (a) any Unlawful Activity; or
- (b) any activity which is punishable under S. 153-A I.P.C.; or
- (c) any activity which is punishable under S. 153-B IPC; or

(2) which encourages or aids persons—

- (a) to undertake any unlawful activity; or
- (b) to undertake any activity punishable under S. 153-A IPC; or
- (c) to undertake any activity punishable under S. 153-B IPC; or

(3) whose members themselves—

- (a) undertake any Unlawful activity; or
- (b) undertake any activity punishable under S. 153-A IPC; or
- (c) undertake any activity punishable under S. 153-B IPC

is an 'Unlawful Association'."

This again leads to an understanding of the meaning of the expression "Unlawful Activity" and as to what constitute offences under Ss. 153-A and 153-B of the Indian Penal Code. Section 153-A IPC reads as follows :

"Promoting enmity between different groups on grounds of religion, race, language, etc., and doing acts prejudicial to maintenance of harmony.

(1) Whoever—

- (a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes, or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony, feelings of enmity or hatred or ill-will between different religious, racial, language or regional groups or castes or communities, or
- (b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility, or
- (c) organizes any exercise, movement, drill or other similar activity intending that the participants in that activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participants in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religion, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment which may extend to three years, or with fine or with both. Offence committed in place of worship, etc.—

- (2) Whoever commits an offence specified in Sub-section (1) in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment which may extend to five years and shall also be liable to fine."

Section 153-B IPC lays down—

"Section 153-B : Imputations, assertions prejudicial to national integration.

(1) Whoever, by words either spoken or written or by signs or by visible representations or otherwise—

(a) makes or publishes any imputation that any class of persons cannot, by reason of their being members of any religious, racial, language or regional group or caste or community, bear true faith and allegiance to the Constitution of India as by law established or uphold the sovereignty or integrity of India, or

(b) asserts, counsels, advises, propagates or publishes that any class of persons shall, by reason of their being members of any religious, racial, language or regional group or caste or community, be denied or deprived of their rights as citizens of India, or

(c) makes or publishes any assertion, counsel, plea or appeal concerning the obligation of any class of persons, by reason of their being members of any religious, racial, language or regional group or caste or community, and such assertion, counsel, plea or appeal causes or is likely to cause disharmony or feelings of enmity or hatred or ill-will between such members and other persons, shall be punished with imprisonment which may extend to three years, or with fine or with both.

(2) Whoever commits an offence specified in sub-section (1), in any place of worship or in any assembly engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment which may extend to five years and shall also be liable to fine."

Under section 2(f) of the Act, "unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—

(i) which is intended, or supports any claim, to bring about, or any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union or which incites any individual or group of individuals to bring about such cession or secession;

(ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India;

Section 2(d) of the Act lays down that "secession of a part of the territory of India from the Union" includes the assertion of any claim to determine whether such part will remain a part of territory of India. Section 3, sub-section (1), of the Act empowers the Central Government to declare 'Unlawful' any association if it was of opinion that such an association is, or has become, an Unlawful association, by notification in the Official Gazette. Sub-section (2) of Section 3 of the Act requires that such notification issued by the Government shall specify the grounds and such other particulars on which the said notification was issued. Sub-section (3) of Section 3 provides that no such Notification shall have effect until the Tribunal had, by an order made under S. 4, confirmed the declaration made thereunder and the order was published in the Official Gazette. The proviso to sub-section (3) of S.3, however, conferred special power on Central Government to give immediate effect to the notification, if in its opinion, circumstances existed which rendered it necessary to declare an association to be unlawful with immediate effect, for reasons to be stated in writing.

Under sub-section (1) of Section 4 of the Act, the Central Government was required to refer the notification to the Tribunal for the purpose of adjudicating whether or not there was sufficient cause for declaring the association unlawful. Sub-section (2) of S. 4 lays down that on receipt of a reference under sub-section (1), the Tribunal shall call upon the association affected, by notice in writing, to show cause within 30 days from the date of service of such notice why the association should not be declared unlawful. Sub-section (3) of S. 4 provided that after considering the cause, if any, shown by the association, or the office-bearers or members thereof, the Tribunal shall hold an inquiry in the manner specified in S. 9 and after calling for such further information as it may consider necessary from the Central Government or from any office-bearer or member of the association, it shall decide whether or not there is sufficient cause for declaring the association to be unlawful and make such order, either confirming the declaration made in the notification or cancelling the same. Sub-section (4) of Section 4 lays down that the order of the Tribunal made under sub-section (3) shall be published in the Official Gazette.

Under sub-section (1) of Section 5, the Central Government, by notification in the Official Gazette, may constitute, as and when necessary, a Tribunal, to be known as 'the Unlawful Activities (Prevention) Tribunal', consisting of one person to be appointed by the Central Government and under the proviso thereof, the person so appointed shall be a Judge of a High Court. Sub-section (5) of S. 5 gave power to the Tribunal to regulate its own procedure in all matters arising out of the discharge of its functions, including the place or places at which it will hold its sittings. Under S. 5 (6) of the Act, the Tribunal shall, for the purpose of making an inquiry under the Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely :—

(a) the summoning and enforcing the attendance of any witness and examining him on oath;

(b) the discovery and production of any document or other material object producible as evidence;

(c) the reception of evidence on affidavits;

(d) the requisitioning of any public record from any court or office;

(e) the issuing of any commission for the examination of witnesses.

Further, under sub-section (7) of S. 5 of the Act,

"Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for the purposes of S. 195 and Chapter XXXV of the Code of Criminal Procedure, 1973."

Under S. 6 (1), a notification issued under S. 3 shall, if the declaration made therein confirmed by the Tribunal by an order made under S. 4, remain in force for a period of two years from the date on which the notification becomes effective. Sub-section (2) of S. 6 empowers the Central Government to cancel the notification under S. 3 at any time whether or not the said declaration had been confirmed by the Tribunal. S. 9 lays down that the procedure to be followed by the Tribunal in holding any inquiry under sub-

(3) of S. 4 would be regulated by the procedure laid down in the Code of Civil Procedure and the decision of the Tribunal in this regard shall be final.

The Central Government, in support of its notification in the Official Gazette, declaring the National Council of Khalistan as an 'unlawful association' as defined in the Act and the grounds relied upon the said notification, has examined in this case 15 witnesses and marked 82 documents. There was no appearance on behalf of the affected association, namely, the National Council of Khalistan, in spite of sufficient service of notices on the National Council of Khalistan and each of its office-bearers as stated above. As such, they were set *ex parte* and the enquiry proceeded against the National Council of Khalistan behind its back.

In the light of the provisions of the Act extracted above, we have to consider the evidence, both oral and documentary, placed on record by the Central Government. Out of the 15 witnesses examined by the Central Government, G.W. 1 Shri Benjamin, alone represents the Central Government, and the remaining witnesses are the police officials of the Government of Punjab. The witnesses examined for the Central Government were not cross-examined as there is no appearance on behalf of the National Council of Khalistan. The evidence of G.W. 1 is purely based upon various reports, information and data furnished by the various agencies and sources, including reports of some of the other witnesses examined in this case.

GW 1, Mr. Benjamin, in his capacity as Joint Secretary, Home, has been dealing with the internal security matters in the Internal Security Division in the Ministry of Home Affairs, especially those relating to Punjab situation and individuals and organisations whose activities are prejudicial to the interests of security of the State and the maintenance of public order. He has testified to all the facts disclosed in the resume, Ex. G-72, prepared by the Central Government as regards the N.C.K. According to him, the concept of Khalistan was mooted by Dr. J.S. Chauhan, who was the Finance Minister in the Akali Dal Ministry of the Punjab State in 1968 and who went to England in 1970. It was in England that for the first time he raised the slogan of Khalistan, a demand for an independent home-land for the Sikhs. On 26th January, 1980, one Balbir Singh Sandhu, the Secretary-General of the Organisation styled as the National Council of Khalistan, has made a declaration in front of Akal Thakat Sahib at Amritsar announcing the establishment of the Government of Khalistan. According to him, the declaration stated that the Khalistan Govt. would be run under the Presidentship of Dr. Jagjit Singh Chauhan, who had been sworn in as the President of the Khalistan Republic on 10-1-1980, the martyrdom day of Guru Arjundevji. He further would have it that the National Council of Khalistan and its office-bearers, members, workers, and supporters, from the very inception of this organisation in 1980, have been indulging in 'unlawful activities' and it was being declared as an 'unlawful association' continuously with effect from 1st May, 1982. PW1 also speaks about the first notification, Ex. G-1, dt. 1-5-1982, the second notification, Ex. G-2, dt. 1-5-1984 and the third notification, Ex. G-5, dt. 1-5-1986, all issued by the Central Government, in exercise of its powers under S. 3 (1) read with proviso to sub-section (3) of Section 3 of the Act, declaring on each such occasion the National Council of Khalistan as an 'unlawful association'. He also speaks about the confirmation order, Ex. G-3, dt. 19-10-1982, passed by the Tribunal consisting of Justice D.N. Mehta, Judge, Bombay High Court, and a similar confirmation order, Ex. G-4, passed by Justice P.R. Gokulakrishnan,

a former Judge of the Madras High Court, and presently the Chief Justice of the Gujarat High Court. He further testified that the main object of the National Council of Khalistan is the establishment of a sovereign, independent Sikh State by secession of a part of the territory of India, mostly populated by the Sikhs, from the territory of India. According to him, the office-bearers, members, activists and supporters of the National Council of Khalistan, in spite of the ban on the organisation since 1-5-1982, have been indulging in anti-national and secessionist activities within the country and outside the country. He has narrated in detail the events that took place recently in support of that statement. According to him, the National Council of Khalistan, in furtherance of its secessionist activities has issued currency notes, postal stamps, and passports of the self-styled Government of Khalistan and its office-bearers, members and activists continued to indulge in anti-national, secessionist and extremist activities from the premises of the Golden Temple Complex, Amritsar. He further would have it that Dr. Jagjit Singh Chauhan, the President of the National Council of Khalistan and his associates indulge in preaching the slogan of Khalistan with his headquarters in London and soliciting support from various foreign countries, including the U.K., Canada, and the U.S.A. He further testified that the Secretary-General of the organisation, Balbir Singh Sandhu, disclosed on January 26, 1980, that an interim Government which has been given the name of SAARKAR-E-KHALSA had been formed by the Sikhs on January 10, 1980, with headquarters at Takhat Shri Kesgarh Sahib in the town of Anandpur Sahib, Ropar district. He also hoisted the Khalistan flag at Guru Ramdas Sarai and issued cyclostyled copies of the Constitution of Khalistan on January 26, 1980. According to him, all the clauses of the Constitution of Khalistan have been incorporated in Ex. G-7, which is an English rendering of the First Information Report No. 48/84 on the file of the City Police Station, Amritsar. According to him, most of the office-bearers, including Balbir Singh Sandhu, have gone underground since June, 1984. He further would have it that immediately after the OPERATION BLUE STAR, which took place in June, 1984, Dr. Jagjit Singh Chauhan, the President of the National Council of Khalistan, held out threats of assassination through foreign media to the late Prime Minister, Smt. Indira Gandhi and other national leaders in India and instigated the extremists in the country to do the job. He announced huge sums of money for this purpose. He promised to send two hit squads to India for taking revenge on the Prime Minister late Smt. Indira Gandhi and her family members. He relied upon the news item, Ex. G-8, published in an English daily, the Indian Express, issued from Chandigarh. There is a specific mention in Ex. G-8 that Dr. Jagjit Singh Chauhan, the self-styled President of Khalistan, announced the existence of his own Government-in-exile and inaugurated his embassy building which will issue passports to Khalistan citizens. He also announced the formation of a five member Sikh cabinet. It was also mentioned in that press report issued by the Correspondent of the Express News Service that the Indian High Commission has drawn the attention of the British Foreign and Home Offices to his statements announcing rewards for beheading Mrs. Ir Chira Gandhi and her family members and also to the alarming statement about Dr. Jagjit Singh Chauhan's plans to send a hit squad to India to take revenge on the late Prime Minister. G.W. 1 relied upon Ex. G-9, dated 25-7-1984, a report sent by G.W. 7, the Superintendent of Police, Amritsar, which was fully corroborated by the latter in support of his statement in that regard. According to that report sent by the Police Superintendent (G.W. 7) a meeting of the Sikhs was held at the Gurudwara South Hall, London, on 1-7-1985 wherein

Dr. Jagjit Singh Chauhan has again been elected as the President of the Republic of Khalistan and a five member Cabinet was constituted to run the work of the Khalistan Government. The other four members of the cabinet were : (1) Sewa Singh, the Vice-President, (2) Gurmej Singh Babbar, the Prime Minister, (3) Karamjit Singh, the Deputy Prime Minister and (4) Harminder Singh Khara, the Defence Minister. The secret report, Ex. G-9, also contained the photographs of the five members of the Cabinet and also the photograph of Gurdaval Singh Thera, the Governor-General of the Republic of Khalistan in the U.S.A. It was also resolved in that meeting to form an International Council of Khalistan of 151 members so as to give representation to the Sikhs living in other countries. G.W. 1 further testified that the main office of the banned National Council of Khalistan and the Republic of Khalistan is in the U.K. G.W. 1 also speaks about the report, Ex. G-10, sent by Bhajan Singh, G.W. 6, the Deputy Superintendent of Police, C.I.D., Patiala, Punjab. According to this report, Ex. G-10, Dr. Jagjit Singh Chauhan, the President of the National Council of Khalistan and also of the Republic of Khalistan has opened regular offices of the Republic of Khalistan in the U.S.A. and Canada and nominated persons mentioned therein as the Governor-General, the Consulate-General, etc., of the Republic of Khalistan. G.W. 1 further identified the two currency notes, one of 10 dollars and another of 20 dollars, sent by G.W. 7, Harjit Singh, the Superintendent of Police, Amritsar, CID, along with report G-14 showing that those currency notes have been issued under the signature of one Surjar Singh who has been nominated by Dr. Jagjit Singh Chauhan as the Governor of the so-called Bank of the Republic of Khalistan and similar currency notes were sent to India for distribution among the Sikhs to undermine the sovereign power of India and for mobilising the Sikhs in favour of the demand for Khalistan. These currency notes were found on 4-2-1986 in possession of one Ujagar Singh Randhawa, an activist of the National Council of Khalistan. The currency notes similar to Ex. G-15 were circulated among the Sikhs to show that these currency notes will be legal tender in the event of formation of a separate State of Khalistan by secession of a part of the Sikh populated area from Indian territory. G.W. 1 further identified the two issues of the weekly Punjabi Journal, THE INDO-CANADIAN TIMES, one marked as Ex. G-18, dated 24-1-1986 and the other dated 31-1-1986 marked as Ex. G-19. In an article published in the week magazine, Ex. G-18, Dr. Jagjit Singh Chauhan has urged the Sikh immigrants settled in Canada to support the demand for Khalistan, burn the Indian National flag and the Constitution of India on the Republic Day, i.e., on 26-1-1986, and hoist the Khalistan flag on that day. He also speaks about the report, Ex. G-24, dated 6-2-1986, sent by G.W. 7, the Superintendent of Police, CID, Amritsar, containing a disclosure made by Hazara Singh, a resident of Chakh Mishri Khan, district Amritsar, who is a staunch supporter of the demand for Khalistan that he was receiving literature from Canada and other foreign countries for mobilising the Sikh public opinion in support of the demand for Khalistan. Ex. G-25 is the English rendering of Ex. G-24. G.W. 1 also identified the report, Ex. G-26, in Gurmukhi script along with Ex. G-27, English rendering sent by the Superintendent of Police, Amritsar, G.W. 7. According to it there was an Amavas congregation at Darbar Sahib, Tarantaran, district Amritsar, on February 7, 1985, in which Ujagar Singh Randhawa, an activist of the National Council of Khalistan reiterated the demand for Khalistan and said that the Hindus were No. 1 enemies. He prophesied that Khalistan would come into being one day. G.W. 1 also deposed about the publication of a news item in Akali Patrika in its issue dated 18-9-1985

under the caption, 'KHALISTAN PARLIAMENT IN THE UK', which stated that the Khalistan Parliament had come into existence and the responsibility lay on them for the propagation of establishment of Khalistan. Ex. G-28 is the copy of the Akali Patrika, a vernacular daily newspaper, of which Ex. G-29 is the relevant news item and Ex. G-30 is its English rendering. This newspaper was received by G.W. 1 from Shri Bhajan Singh, G.W. 6, D.S.P., C.I.D., Patiala. The news item is captioned as 'AKUTI KHALISTAN DI PARLIAMENT QAYAM—CHAUHAM MUR RASHTRAPATHI CHUNE GAYI'. G.W. 1 also speaks about Ex. G-33, a passport application form, which was in circulation in Amritsar and which was received from G.W. 7. It bears the insignia of the Republic of Khalistan, Ministry of External Affairs. According to G.W. 1, these forms appear to have been printed outside India. He also speaks about a confidential report received from G.W. 7 which contains the substance of a speech made by the Khalistan leader Ujagar Singh Randhawa, in a Dewan held on 9/10th March, 1986, at Tarantaran in the GURUDWARA Darbar Sahib at a gathering of 3,000 to 3,500 persons. G.W. 1 further testified that the Central Government taking into account the information and the data made available to it by the various agencies including the Punjab Government and the Punjab Police and having regard to the unlawful activities indulged in by the leaders, members and office-bearers of the National Council of Khalistan, in spite of the ban during the two years period from 1-5-1984 to 30-4-1986, decided that the ban on the National Council of Khalistan should continue for a further period of two years and accordingly issued the Notification, Ex. G-5, under section 3 of the Act and the Notification Ex. G-6 constituting this Tribunal for the adjudication under section 4 of the Act.

Grounds of unlawful activities : Though the grounds of 'unlawful activities' levelled against the National Council of Khalistan mentioned in the Notification under Section 3 of the Act are only four in number, the Central Government during the course of evidence, brought on record a number of documents in the shape of information in newspapers, articles in the newspapers and magazines.

Rule 3 of the Unlawful Activities (Prevention) Rules, 1968, lays down that in holding an enquiry under Sub-section (3) of Section 4 of the Act, the Tribunal shall, as far as possible, follow the rule of evidence laid down in the Evidence Act, 1872. The expression, 'as far as possible' used in Rule 3 clearly indicates that the Indian Evidence Act need not be followed strictly in the enquiry by this Tribunal. The object of the Rule, in my opinion, is that in an enquiry like the present one, one cannot expect such type of evidence as is expected of in a civil or criminal trial by a Court of Law. Further the scope of enquiry under Sub-Section (3) of Section 4 of the Act is that after considering the cause, if any, shown by the association, or the office-bearers or members thereof, the tribunal shall hold an enquiry in the manner specified in Section 9 of the Act and after calling for such further information as it may consider necessary from the Central Government or from any office-bearer or member of the association, the Tribunal shall decide "whether or not there is sufficient cause for declaring the association to be unlawful" and make such order as it may deem fit, either confirming the declaration made in the Notification under Section 3(1) of the Act or cancelling the same.

Relying upon Rule 3 and the provisions of Section 4 (3) of the Act, the documentary evidence contained in Exs. G-1 to G-82 can be relied upon in support of the Notification under Section 3 of the Act.

Notification grounds : The Notifications, Ex. G-5, dated 1-5-1986, mentions only four grounds and instances as allegations of 'unlawful activity' against the National Council of Khalistan.

(A) The first instance of allegation of 'unlawful activity' attributed to the National Council of Khalistan referred to in the testimony of G.W.1 and the grounds are that the President of the National Council of Khalistan, through its General Secretary Shri Balbir Singh Sandhu by reading out on 26-1-1980 to a huge sikh gathering the Constitution of the Khalistan in Punjab declared that the object of the association was the establishment of an autonomous, separate Sikh State of Khalistan. In support of this ground, Shri Benjamin (G.W. 1) has testified that the concept of Khalistan was mooted by Dr. Jagjit Singh Chauhan, operating from England, and for the first time he raised the slogan of Khalistan demanding the formation of a independent homeland for the Sikhs. The announcement of the formation of an organisation by name, the National Council of Khalistan, and its Constitutions was made by Shri Balbir Singh Sandhu, the Secretary General of the organisation, the National Council of Khalistan on 26-1-1980 in front of Akal Takhat Sahib at Amritsar. G.W. 1 further deposed that thereafter the National Council of Khalistan, its office-bearers, members and associates have been indulging in anti-national, secessionist and unlawful activities and that is the reason why the Central Government had declared it as an 'unlawful association' under Section 3 of the Act on 1st May, 1982 which was in force till 30-4-1984 in view of the confirmation order passed by the First Tribunal. G.W. 1 has also referred to the second Notification dated 1-5-1984 and its confirmation by the Second Tribunal constituted under the Act. According to him (G.W. 1) the present declaration under Section 3(1) of the Act declaring the National Council of Khalistan as on 'unlawful association' is the third in the series.

It is in the evidence of G.W.10, Shri Prithpal Singh that on 26-1-1980 when he went to the Golden Temple complex, being himself a sikh and was present in front of Guru Ram Das Sarai, a building inside the Golden Temple complex, Balbir Singh Sandhu, the Secretary-General of the National Council of Khalistan, read out a leaf-let in Punjabi entitled 'the Constitution'. He heard Balbir Singh Sandhu announcing that by virtue of the powers delegated to him by Dr. Jagjit Singh Chauhan, the President of the National Council of Khalistan and President of the Republic of Khalistan, he was reading out the Khalistan Constitution to the audience. Earlier, he hoisted the Khalistan flag on the top of the Sarai Guru Ram Das building. According to this witness, the Khalistan Constitution contained matters relating to the political, religious and economic structure of Khalistan. The Constitution of Khalistan proclaims that the territory of Khalistan shall consist of the present Punjab State, the Union Territory of Chandigarh and some areas, mostly populated by the Sikhs, in the states of Himachal Pradesh, Haryana and Rajasthan, after their secession from the Union of India. Khalistan has been described as an independent, sovereign country, having a democratic form of Government with Sikhism as the State Religion. According to him, the Sikhs have been described in the Khalistan Constitution as a separate nation. The Khalistan Government would be of a Presidential form and that all the key posts in Khalistan—civil, Judiciary, etc.—would be given to Amritdhari sikhs only. All the sikhs of foreign countries would be given the right

of citizenship of Khalistan. The Constitution also contains provisions relating to official language and its script (Gurmukhi), finance, agriculture, taxes, land revenue, justice, culture, foreign policy, special status for the Sikh religion, the importance of Akal Takhat Sahib, of Amritsar, etc. When copies of the Constitution read out by Balbir Singh Sandhu were being freely distributed among the Sikh gathering on that occasion, G.W. 10 secured one copy of it and went to the office of G.W. 15, Sital Das, the Superintendent of Police, who was on duty outside the Golden Temple complex and delivered it to him. Ex. G-44 is the copy of the Constitution of the Republic of Khalistan in Punjabi and Ex. G-45 is its English translation. On the basis of a copy of Khalistan Constitution, Ex. G-44, given by G.W. 10, a case under F.I.R. No. 48 of 1980 was registered on 27-1-1980 under Section 13 of the Unlawful Activities (Prevention) Act, 1967 and Section 153-A and 124-A of the Indian Penal Code on the file of the police station, City Kotwali, Amritsar, against Balbir Singh Sandhu, the Secretary-General and Dr. Jagjit Singh Chauhan, the President of the National Council of Khalistan.

G.W. 15 Shri Sital Das, the Superintendent of Police (C.I.D.), Amritsar, corroborated the testimony of G.W. 14 in all particulars. According to him, while he was working as Superintendent of police, City Amritsar, Shri Balbir Singh Sandhu, Secretary-General of the National Council of Khalistan read out a pamphlet in Gurmukhi script called 'Constitution of Khalistan' in the precincts of the Golden Temple, Amritsar, on the Republic Day i.e., on 26-1-1980, in the presence of a huge sikh gathering on behalf of the President of the National Council of Khalistan, Dr. Jagjit Singh Chauhan, who had formed his Government-in-exile styling himself as the President of the Republic of Khalistan with headquarters in United Kingdom. The cyclostyled copies of the so-called Constitution of Khalistan were distributed among the sikh gathering on that occasion. This information was given to him by G.W. 10, Shri Prithpal Singh, who had gone to the Golden temple, Amritsar, in his private capacity and who happened to be present on the occasion when Balbir Singh Sandhu announced the Constitution of Khalistan and who produced before him the copy of the Constitution and he has sent the same to the S.H.O. of the Police Station, city Kotwali, Amritsar, for registering a case under suitable section of law and to investigate. Subsequently a case F.I.R. No. 48 of 1984 dated 27-1-1980 was registered under section 13 of the Unlawful Activities (Prevention) Act, 1967 and under sections 153-A and 124-A I.P.C. on the file of the Police Station, city Kotwali, Amritsar, and investigated.

G.Ws. 3, 11, 12 and 14 speak about the registration of the case in F.I.R. No. 48 of 1980 dated 27-1-1980 under section 13 of the Unlawful Activities (Prevention) Act, 1967, and under sections 153-A and 124-A I.P.C. at Police Station, City Kotwali, Amritsar against Balbir Singh Sandhu, Secretary-General of the so-called National Council of Khalistan and also against Dr. Jagjit Singh Chauhan. G.W. 12 and G.W. 14 deposed that efforts were made by them to trace out the accused Balbir Singh Sandhu and Dr. Jagjit Singh Chauhan but of no avail and hence a 'Not traceable' report was submitted in the concerned Court.

Thus on a consideration of the evidence of these witnesses referred to above, I am satisfied that the Central Government has established that on the Republic Day i.e., on 26-1-1980, Balbir Singh Sandhu by reading out in Punjabi a document called the Constitution of Khalistan written in Gurmukhi script before the huge sikh audience as a declaration to have been made by him on behalf of Dr. Jagjit Singh Chauhan,

the President of the National Council of Khalistan, and also of the Republic of Khalistan after hoisting the Khalistan flag atop Sarai Guru Ram Das and that the Constitution was found to contain certain statements which constitute offence punishable under section 13 of the Unlawful Activities (Prevention) Act, 1967 and sections 153-A and 124-A I.P.C. and that in fact, the concerned police station authorities of Amritsar city registered a case on the basis of the copy of the Constitution which was freely circulated among the persons present in the gathering and the F.I.R. Ex. G-71 was issued by G.W. 14 to the concerned Court. The prosecution against Balbir Singh Sandhu and Dr. Jagjit Singh Chauhan, shown as accused in the case, could not be proceeded as Balbir Singh Sandhu remained absconding since the date of the declaration made by him and Dr. Jagjit Singh Chauhan has settled down in England and hence the 'accused not traceable' report has been sent to the concerned court by the investigating officer in the case. Further it is established from the evidence of G.W. 10 who was present in the sikh gathering at the time when Balbir Singh Sandhu read out the content of the Constitution of Khalistan which was written in Gurumukhi script that Balbir Singh Sandhu was guilty of advocating the slogan of the National Council of Khalistan of establishment of a sovereign and independent sikh dominated State consisting of the territories of the present Punjab, Chandigarh and sikh dominated areas of Himachal Pradesh, Haryana and Rajasthan States after its secession from Indian Union and thus the National Council of Khalistan, its President Dr. Jagjit Singh Chauhan and Secretary, General Balbir Singh Sandhu were guilty of the commission of unlawful activities as defined under the Act. There is nothing on record to disbelieve or discredit the testimony of these witnesses as nothing contra was placed on record by the National Council of Khalistan or its office-bearers or members as they remained *ex parte*. I, therefore, hold that the Central Government has established that the National Council of Khalistan by a declaration made by its Secretary-General Balbir Singh Sandhu by reading out the Constitution of Khalistan before the huge Sikh audience on the Republic Day and hoisting Khalistan flag and advancing, propagating and advocating a secessionist slogan is guilty of an unlawful activity.

II. Even the contents of the Constitution of Khalistan go to show that the provisions contained in the Constitution clearly disclose as though they are laying down the Constitution for an independent and sovereign State and as to the shape of the polity of the country. It deals with matters like citizenship, official language, land revenue policy, educational policy, justice policy, preaching of religion, religious rights of non-Sikhs and other problems which are normally dealt with by a Sovereign state. The Constitution proclaims, under the title RAJ DHARMA that Sikhism alone will be the state religion in the Republic of Khalistan. There will be only one Ruling Party, namely Shiromani Panthic Jathabandhi, and its power would be supreme, over that of the Government. Each and every member of the Ruling Panthic Jathabandhi would be Amritdhari Sikh and follower of the tenets of Akal Takhat Sahib. All the members of this body would strictly adhere to the Raj Karega Khalsa slogan and they would obey the Party's Constitution and would keep no connection whatsoever with the persons related individually or on family basis with those who belong to any other religion or any other sect opposed to Sikh teachings. The election to the Khalsa Panchayats would be strictly according to the Dharma of Sikhism.

(B) IN SECOND ground of unlawful activity attributed by the Central Government in the evidence of G.W.1 and the

grounds of the National Council of Khalistan are that its office bearers, members and activists have been continuing to indulge in unlawful activities in India and abroad and that Dr. Jagjit Singh Chauhan who also claims himself to be the President of the Republic of Khalistan and who had extended threats through the foreign media to the late Prime Minister Smt. Indira Gandhi and other national leaders and instigated the Sikh extremists to undertake her assassination by announcing huge sums of money for the purpose and announced the formation of a five member committee to carry on the work of Khalistan Government and also the appointment of ambassadors and other consular officers of the so-called Government of Khalistan and who had, through information furnished to the newspapers, justified the demand for a separate sovereign State and urged his followers to burn the Indian National flag and the Constitution of India and hoist the Khalistan flag. G.W. 1 has testified to these facts in his evidence already extracted above. His testimony is based upon the report ex. G-9 sent by G.W. 7, Superintendent of Police, Amritsar along with the press report Ex. G-8 published in the English daily newspaper Indian Express issued from Chandigarh dated 15-6-1984 purported to be a report by its special correspondent from London. His testimony is also based upon Exs. G-18 and G-19, two copies of Punjabi Journal (Gurumukhi script) called 'INDO CANADIAN TIMES' issued through Vancouver (Canada) for the week ending 24-31 January, 1986.

The two documents Exs. G-8 and G-9 clearly support the grounds advanced by the Central Government. G.W. 7 Ajit Singh the Superintendent of Police, Amritsar, corroborated the testimony of G.W.1 in all particulars. The report contained in Exs. G-9, dispatched by G.W. 7 to the Central Government is based upon an intelligence report and on the basis of the report of G.W.7, the Central Government formulated the 2nd ground of unlawful activities attributed to the National Council of Khalistan in their Notification issued under Section 3(1) of the Act. He also signed the photographs Ex. G-70 of Dr. Jagjit Singh Chauhan and the members of the cabinet and also the photo of Gurudayal Singh styled as the Governor-general of the Republic of Khalistan in U.S.A.

Further, G.W.15 testified to all the facts and events stated in the 2nd ground.

G.W.7 has furnished from his source two copies of Vancouver (Canada) based Punjabi Journal (Gurumukhi script) "INDO-CANADIAN TIMES" Exs. G-18 and G-19 dated 24th and 31st January, 1986, respectively which contained the National Council of Khalistan news and articles. In the issue, Ex. G-18, dated 24-1-1986 there is an article written by Gurumej Singh (Prime Minister, Republic of Khalistan) regarding the imaginary persecution of sikhs by the Indian Government. It also makes a forcible demand for a separate independent sovereign sikh State. The issue, Ex. G-19, dated 31-1-1986 contained the articles on page (3) based on the information provided to the newspapers by Dr. Jagjit Singh Chauhan, self-styled President of the Republic of Khalistan, London, U.K. The article contains pro-Khalistan slogans and a call to sikh immigrants settled in Canada to support the demand for Khalistan, incite the sikhs to burn Indian national flag and the copies of the Constitution of India on the Republic Day, the January 26th, 1986 and instead hoisted the Khalistan flag on that day.

Thus on a consideration of the evidence of G.W.1, G.W.7 and G.W.15 and the documents Exs. G-8, G-9, G-70, G-18 and G-19 and its translation Ex. G-21 and G-22 and the forwarding notes Ex. G-24 and its translation Ex. G-25, I

am of the conclusion that the Central Government has established its case as regards the unlawful activity alleged against the National Council of Khalistan in the second ground.

The third ground of unlawful activity attributed against the National Council of Khalistan is that the office-bearers and the activist of the National Council or Khalistan operating from abroad indulged in writing threatening letters to leaders in India and had undertaken printing and distribution of the so called currency notes on behalf of Republic of Khalistan.

G.W. 1, Mr. C.T. Benjamin has testified that a threatening letter Ex. G-1 was received in July, 1985 by one Vijay Kumar, the Editor of the Hind Samachar and the Punjab Kesari, Jullundhur, written by an anonymous person to stop his opposition to the demand of Khalistan exhibited in his newspapers. A warning was given to the said Shri Vijay Kumar that if he behaved otherwise he would meet the fate of his brother, Shri Ramesh Chander, and father, both former editors of vernacular newspapers, and who have been murdered by the extremists. G.W. 1 also testified in detail in his evidence already extracted above that one ten (10) dollar and another twenty (20) dollar currency notes issued under the signature of Surjan Singh, purporting to be the Governor of the so called Republic of Khalistan, nominated by Dr. Jagjit Singh Chauhan have been printed by the self-styled Khalistan Government and sent to India for circulation among the sikhs to undermine the sovereign power of India and to show that these currency notes will be legal tender in the event of formation of sikh State by secession of the sikh dominated areas from the remaining territory of India. G.W. 7 corroborated the testimony of G.W. 1 that one Ujagar Singh Randhawa of Tarantaran, district Amritsar, was in possession of two currency notes, one ten dollar and another twenty dollar, which he intended to distribute among the sikhs on the Sarbat Khalsa on October 16, 1986.

G.W.2 corroborated the testimony of G.W.1 as regards the receipt of anonymous threatening letter received by Shri Vijay Kumar who is the addressee of the said inland cover in all material particulars.

G.W.15 also testified in support of the third ground.

Thus, on a consideration of the evidence of G.W.1, G.W.2, G.W.7 and G.W.15, I am satisfied that the Central Government has established the third ground of unlawful activity attributed against the National Council of Khalistan.

The fourth ground of 'unlawful activity' alleged to have been perpetrated by the National Council of Khalistan in India is the indulgence of the activists of the National Council of Khalistan in pro-Khalistan and anti-Hindu propaganda. It is in the evidence of G. W. 1 that the Akal Patrika, a vernacular daily newspaper, in its issue dt. 18-9-1985 (marked as ex. G-28), published a news item under the caption "KHALISTAN PARLIAMENT IN THE U.K." stated that the Parliament of the so-called Khalistan had come into existence and that they would be responsible as regards the propaganda relating to the creation of Khalistan. The relevant news item in Ex. G-28 is Ex. G-29. The testimony of G. W. 1 in this regard is based upon the material contained in Ex. G-30, which is the English translation of Ex. G-29. It was sent to him by Shri Bhajan Singh, G.W. 6. G. W. 6 corroborated the testimony of G. W. 1 in all material particulars in this regard. G. W. 1 further spoke about one Hazara Singh, a resident of Chakh Mishri Khan, district Amritsar, and staunch supporter of the demand for Khalistan and activist

of the National Council of Khalistan having told on 6-2-1986 to one of his confidants that the protagonists of the demand for Khalistan are receiving literature from Canada and other foreign countries for mobilising the Sikh public opinion in support of the demand for Khalistan. His evidence is entirely based upon the report, Ex. G-24, received from the Superintendent of Police, C.I.D., Amritsar (of which Ex. G-25 is the English translation), in the course of performance of his official duties. There is nothing on record to the contrary. Hence, his statement is worthy of acceptance.

Further, it is in the evidence of G. W. 1, that on the night of February 7, 1986, while addressing an 'Amavas' congregation at Darbar Sahib, Tarantaran, district Amritsar, one Ujagar Singh Randhawa, an activist of the National Council of Khalistan, reiterated the demand for Khalistan and said that the Hindus were no. 1 enemies of the Sikhs. He also asserted that the Khalistan would be established in the near future. G. W. 7, the Superintendent of Police, CID, Amritsar, sent his report containing a Punjabi version of Ujagar Singh Randhawa's speech, Ex. G-26, of which Ex. G-27 is the English translation. G. W. 7 corroborated the testimony of G.W. 1 in all material particulars in this regard.

G. W. 1 also spoke about the circulation of the application forms for Khalistan passports in Amritsar, similar to Ex. G-33, which bear the insignia of the Republic of Khalistan, the Ministry of External Affairs, which appear to have been printed outside India. G. W. 1 further makes a mention of the speech made by Ujagar Singh Randhawa while addressing a gathering of 3,000 to 3,500 persons assembled in the Gurudwara Darbar Shaheb at Tarantaran, district Amritsar, at a Diwan held on 9th/10th March, 1986. Ex. G-34, dt. 10-3-1986, is the confidential report giving the substance of the speech made by the Khalistan leader, Ujagar Singh Randhawa, and Ex. G-34A is its English translation of the Punjabi version of the speech made by Ujagar Singh Randhawa.

G. W. 7, Harjit Singh, the Superintendent of Police, C.I.D., Amritsar, corroborated the testimony of G.W. 1 in all particulars. It is in the evidence of G. W. 7 that Ujagar Singh Randhawa in his speech made in the Diwan on the night of 9/10 March, 1986, raised the slogans of Khalistan, which were echoed by the audience assembled. It is in his evidence that Ujagar Singh Randhawa exhorted in his speech that the rights of the Sikhs could only be realised through the use of bullets and swords.

Thus, on a consideration of the evidence of G. Ws. 1, 6 and 7, I am satisfied that the Central Government has established the instances of unlawful activities indulged with in India in regard to pro-Khalistan and anti-Hindu propaganda, mentioned in ground no. 4, notified in the Gazette under S. 3 of the Act.

ADDITIONAL GROUNDS :

Unlawful Activities outside India : The Central Government has also pressed into service the latest information contained in various newspapers, journals, magazine and books disclosing the 'unlawful activities' indulged in by the office-bearers, members and activists of the National Council of Khalistan in India in spite of the ban on the National Council of Khalistan since May, 1982.

As regards the ceaseless indulgence in anti-national secessionist and unlawful activities by the office-bearers, leaders, activists and associates of the National Council of Khalistan in foreign countries, the Central Government has placed on record additional material during the enquiry to justify its contention that in spite of the continued b.

on the National Council of Khalistan, the unlawful activities were perpetrated by the office-bearers and leaders of the National Council of Khalistan within and outside India. It is in the evidence of G. W. 1 that the main office of the banned National Council of Khalistan and the Republic of Khalistan in the U. K. is at Khalistan House, Talbot Road, London. According to him, Dr. Chauhan has also opened the Office of the Republic of Khalistan in Canada and the U.S.A. He nominated the following activists of Khalistan settled in Canada and the U.S.A. as the representatives of the Republic of Khalistan. California:—(1) Hardayal Singh, the Governor General, Republic of Khalistan; (2) Satinder Singh, the Consulate-General; Toronto :—(1) Darshan Singh Khalsa, the Co-ordinator (2) Kuldeep Singh, the Ambassador; Vancouver:—(1) Jasbir Singh Sadhu, the Co-ordinator; (2) Jagjit Singh Thakkar, the Consulate (3) Surjan Singh, the Governor, Bank of the Republic of Khalistan. This statement of G.W. 1 has been corroborated by G. W. 6, Shri Bhajan Singh, the Deputy Superintendent of Police, C.I.D., Patiala, who happened to secure that information from his intelligence sources and passed it on to G. W. 1. G. W. 4 also has corroborated the evidence of G. W. 1 in that regard. According to him, at the first instance, the National Council of Khalistan had opened its office in a rented building at Jalandhar which was later shifted to Room No. 35 in Guru Nanak Niwas, situated inside the Golden Temple complex at Amritsar. Further, it is in his evidence that the five office-bearers of the National Council of Khalistan, namely,—(1) Dr. Jagjit Singh Chauhan (President), (2) Balbir Singh Sandhu (Secretary-General), (3) Har Gurnam Singh, Cashier, (4) Ujagar Singh Randhawa, a member, and (5) Master Harjara Singh (another member) do even till this day continue to be the holders of the same offices and that some among them, particularly Dr. Jagjit Singh Chauhan, as disclosed from the news in the newspapers and other media, is operating from London while the other office-bearers and prominent leaders are not traceable, as all of them have gone underground. He also speaks about Dr. Jagjit Singh Chauhan's opening of the offices of the National Council of Khalistan and the Republic of Khalistan in the U.K., Canada and the U.S.A.

G.W. 6 speaks about the additional material available as regards the unlawful activities indulged in by Dr. Jagjit Singh Chauhan and his associates in foreign countries. He relied upon a news item emanating from Vancouver published in the daily English newspaper of Chandigarh, the Tribune, dt. 16-8-1986, marked as Ex. G-55, disclosing that Shri Gurnej Singh Gill, the leader of the National Council of Khalistan, while he was trying to enter Canada from the U.S.A., was arrested by the police authorities at Vancouver before whom he pleaded that he was the Prime Minister of the Khalistan Republic, having been appointed by Dr. Jagjit Singh Chauhan, its President, and that he has gone to Vancouver to visit a members of the Sikh movement. G.W. 6 further relied upon a news item emanating from New Orleans published in the Hindustan Times dt. 17-8-1986, which discloses that the U.S.A. police has recently filed a criminal case in a court in the U.S. against five Sikhs for plotting to kill the former Haryana Chief Minister, Shri Bhajan Lal, while he was in New Orleans in the U.S.A. for eye surgery in May, 1985. The news item disclosed that the Federal Court of Appeals reversed the order of the U.S. District Judge Carr that the five Sikhs should not be heard in the Federal Court on the charge of plotting to kill former Haryana Chief Minister Bhajan Lal, who was in New Orleans in May, 1985. The news item further disclosed that one of these five, Gurpratap Singh Birk, was convicted in New York

of trying to buy explosives and trying to mount a military expedition to India. He was, however, acquitted of plotting to kill Prime Minister Rajiv Gandhi.

G. W. 6 also identified a news item, Ex. G-67, in the Indian Express, dt. 19-8-1986, emanating from London, which reports that the self-styled Prime Minister of the Republic of Khalistan, Gurnej Singh Gill, was detained for a night by the U. S. immigration authorities during the third week of August, 1986, by the Royal Canadian Mounted Police. The said Gill had gone to Canada for addressing a two-day conference organised by the Gurudwara "EL...SPRINTO" in Sanfransisco on August 9 and 10, and then he had left for Vancouver by road to meet some of the activists of Khalistan. The report further states that this information was furnished to the London-based PFI by the self-proclaimed President of Khalistan, Dr. Jagjit Singh Chauhan. The same news item was also published in the Hindustan Times of New Delhi, dt. 19-8-1986, Ex. G-68. According to the said report, the self-proclaimed Prime Minister of Khalistan, Gurnej Singh Gill, was detained for a night by the U.S. immigration authorities earlier that week while he was returning from the Canadian border, where he was refused entry by the Royal Canadian Mounted Police.

G. W. 7 also identifies in his evidence the news reports, Exs. G-67 and G-68 referred to by G. W. 6.

G.W. 6 also speaks about his having read a book under the title "DERIVATIVE ASSASSINATION—WHO KILLED INDIRA GANDHI ?" written by the editors of the "EXECUTIVE INTELLIGENCE REVIEW" published from New York, giving details about the concept of Khalistan and the Dal Khalsa and the activities of their leaders, including Dr. Jagjit Singh Chauhan, the London-based self-styled President of the Khalsa State. According to him, the authors of the book at p. 216 have narrated that one Kapur Singh, a Professor of COMPARATIVE RELIGION at Oxford, coined the name Khalistan in 1947. G. W. 6 has identified the article under the caption, "HOW THE BRITISH FOUNDED KHALISTAN" published at p. 25 of the Sunday Weekly magazine for the week 16/22 February, 1986. G.W. 6 further speaks about the facts and information contained in the said book, which is also referred to in the article, Ex. G-74. According to the said authors, Dr. Jagjit Singh Chauhan, the former Punjab Finance Minister, issued his call in 1971 for the creation of an independent Khalistan at a press conference in London, which has been his base of operations since then. In 1976, the Sikh Foundation of California was founded. By 1978, the terrorist organisations of Dal Khalsa and the Babbar Khalsa were started. The author of the book holds responsible these terrorist organisations, namely, the National Council of Khalistan and its off-spring, the Dal Khalsa, for the assassination of Mrs. Indira Gandhi, the former Prime Minister of India. G.W. 6 also speaks about the news item, Ex. G-75, appearing in the daily English newspaper, the Hindustan Times, dt. 18-8-1986, wherein it is mentioned that the overseas Sikh militant organisations have made elaborate plans to supply arms to Punjab through Pakistan and that according to intelligence reports, the arms which land in the hands of the militants would give necessary fillip to 'on-the-run' extremists following the crusade against the Punjab Director-General of Police (J.F. Ribeiro). The news item further states that a report was published in a regional newspaper of Amritsar that 5,001 Hindus would be massacred in case the police killed Manbir Singh Chaheru alias Gen. Hari Singh, the self-styled Chief of the Khalistan Commando Force, and the report further

says that Mr. Gandhi and the Army Chief (Retd.) A. S. Vaidya, have been assassinated and "WE ARE ON THE MARCH TO FORM KHALISTAN", G. W. 6 also speaks about the news item marked as Ex. G.-77 in the Deccan Chronicle dt. 14-10-86, which is the Prime Minister's categorical statement that India is possessed of very hard information that terrorists were being helped, assisted and trained by Pakistan.

G.W. 6 also refers to the news item, Ex.G-78, appearing in the English daily newspaper, the Hindu, dt. 19-9-1986, which reports that India keenly desires the British Government to have an understanding on an extradition treaty for the purpose of checking the activities of those preaching violence and secession in relation to India on the British soil and that India would like the White Hall to adopt the set of measures taken by the Government of Canada, which was the hot-bed of Sikh extremist activities and that, as things stand now, the London-based extremists like Dr. Jagjit Singh Chauhan, the self-styled Head of the so-called Khalistan, got away propagating violence & sedition on the specious plea that they were not advocating but merely anticipating an upheaval in India and that the activities of the Indian terrorists in the U.K. had bedevilled bilateral relations in recent years. G.W. 6 also speaks about an article, Ex-G-81, appearing at pp. 105-106 in India Today, dt. 31-10-1986 (released during the fortnight of the date of evidence) which reports that India is not happy with the British indulgence towards pro-Khalistan elements and its refusal to extradite known Sikhs and also the displeasure of India on the election of Mohinderpal Singh Bedi (a Sikh) as the Chairman of the Anglo-Asian Conservative Society, the most influential body representing the Asian communities to the Royal British Conservative Tory Party and also about the Tory Party's attitude towards non pro-Khalistan elements. The article also mentions about 300 pro-Khalistan separatists belonging to the organisations like the Babbar Khalsa, the Dal Khalsa and the International Sikh Youth Federation, which is the youth wing of the National Council of Khalistan, in London, lustily raising pro-Khalistan slogans in the Central Office of the said society. The article also mentions about a local Gurmukhi weekly published from London that Sewa Singh Laali, a prominent leader of the Khalistan National Council, had brought in a bus-load of supporters from Kent. The article further mentions that one of Bedi's close associates, who was Bhair Gurmukh Singh, Chief of the Dandami Taksal, whose name cropped up in the confessions of Manbir Singh Chaheru, the alleged perpetrator of the Muktesar killings, as an overseas contact as the one who sends large sums of money. The report also mentions about the fact that the large Indian community now in British is increasingly convinced that the British Ruling Party is soft on the preaching for the establishment of a separate Sikh State by the leaders of the Dal Khalsa, the National Council of Khalistan, the Babbar Khalsa, the International Vancouver based Talvinder Singh Parmar on the ground that the British ruling party is a democratic party.

G.W. 10, Pritpal Singh, also corroborated the testimony of G.W.6, by identifying the articles published in various newspapers and journals referred to by him in his evidence as regards the anti-national, and secessionist activities of the leaders of the National Council of Khalistan and the Dal Khalsa in other countries outside India.

The WHITE PAPER on the Punjab Agitation (Ex-G82) published by the Government of India on 10-7-1984 contains a very material and revealing information as regards the secessionist activities abroad of the National Council of

Khalistan and other anti-national and terrorist organisations. As regards the secessionist activities of Dr. Jagjit Singh Chauhan and the National Council of Khalistan the material portions are extracted as below :

"Several secessionist Sikh organisations are operating abroad. The chief among them which have raised the slogan of 'Khalistan' or a 'separate Sikh state' are the National Council of Khalistan, Dal Khalsa, Babbar Khalsa and Akhand Kirtani Jatha. The 'National Council of Khalistan' headed by Dr. Jagjit Singh Chauhan is active in the U.K., West Germany, Canada and the USA. The Dal Khalsa activities are mainly in UK and West Germany, while the Babbar Khalsa is operating largely from Vancouver in Canada. The Akhand Kirtani Jatha has units in UK and Canada."

"National Council of Khalistan"

Dr. Jagjit Singh Chauhan, the self-styled leader of the so-called Khalistan movements who has designated himself subsequently as "President of the National Council of Khalistan" came to public life through the student wing of the Communist Party. He first raised the slogan of 'Khalistan' at a press conference in London in September, 1971. On April 12, 1980 he announced the formation of 'National Council of Khalistan' with himself as President and Shri Balbir Singh Sandhu, as its Secretary-General. Three months later he proclaimed from London the formation of 'Khalistan' and a similar announcement was made in India by Balbir Singh Sandhu. Dr. Chauhan has been away from India since then and has been trying to whip up anti-Indian feelings. He has taken to gimmicks, such as, the issue of Khalistan passports, postage stamps and currency notes. His intention, was to exploit the sentiments of Sikh residents of Canada and West Germany who are facing difficulties with immigration authorities there. In April, 1981 the Indian passport of Dr. Chauhan was revoked and a case for sedition and promoting hatred among different communities was registered against him in August, 1981. He has not surrendered his passport and has managed to stay in UK and to visit Canada, USA and some European countries. He has been organising demonstrations, burning the Indian national flag and making provocative statements."

"Dr. Chauhan attempted to enter India in March, 1983 via Nepal and Bangladesh but did not succeed. On March, 15, in London he was reported to have said that the time was ripe to organise a 10,000-strong guerrilla force to strike at specific targets in India. He claimed that 'Khalistan' soldiers would soon start battling with Indian security forces. On May 3, 1983 he claimed that the United States was supporting this so-called Khalistan movement and that he expected to achieve his objectives within four years. He appealed to the U.S. authorities to stop wheat sales to India and asserted that Pakistani military personnel disguised as Sikhs were stationed at Guru Ram Dass Sarai in Amritsar which was under the control of Shri Bhindranwale."

"In a letter to Shri Balbir Singh Sandhu on July 13, 1983, he advised that Sant Harchand Singh Longowal and Shri Bhindranwale should form a full-fledged government and parliament and if they were reluctant, the 'National Council of Khalistan' should go ahead on its own. Similar advice was given in December, 1983 to the Akali Dal leaders. On December 29, 1983 he announced that January 26, 1984 would be observed as a 'day of betrayal' when the Indian National flag would be burnt and the Khalistan flag would be hoisted. In pursuance of this, Balbir Singh Sandhu raised what he described as the Khalistan flag on that day on one

of the buildings near Harmandir Sahib. The council circulated a resolution indicating that they wanted a separate homeland in India and a voice of their own at the UNO. They issued a map outlining the boundaries of the so-called Khalistan State. Dr. Chauhan has been claiming the support of important leaders in foreign countries for his case and has been in touch with several US Congressmen. Despite protests from the Government of India he was able to secure an entry visa to the United States in 1982 and again in March, 1983. Dr. Chauhan has been acting in close liaison with Shri Ganga Singh Dhillon, an American citizen of Indian origin and President of the Nankana Sahib Foundation of Washington. Shri Dhillon has also been canvassing that the Sikhs are a separate nation and maintaining contacts with US Senators, and persons in the higher echelons of the Pakistan administration".

Events within the country after notification :—

The Central Government has also relied upon additional grounds and instances of anti-national, secessionist and unlawful activities of the National Council of Khalistan and its leaders, activists and associates within the country even after the Central Government declared the National Council of Khalistan as an unlawful association for the third time on 1 May, 1986, by issuance of a notification, Ex. G-5, published in the Gazette of India bearing the same dt., under S.3(1) of the Act and which is under adjudication by this Tribunal as referred under Section 4 of the Act.

It is in the evidence of G.W.2, Shri Hukam Chand Diwan, DSP CID Jalandhar, Punjab, that some of the office-bearers and prominent leaders of the organisation, the National Council of Khalistan, after its ban in 1982, have gone out of India and the remaining have gone underground. According to him, the militants, terrorists, activists & secessionists of the National Council of Khalistan, after the ban, are operating within the country by advancing and propagating the concept and slogan of 'Khalistan' namely, the demand for formation and creation of a separate, independent and sovereign State after secession of the Sikh populated areas of the present Punjab State, the Union Territory of Chandigarh; and also some areas of Haryana, Himachal Pradesh and Rajasthan by resorting to "unlawful activities", and they are inciting innocent public by their speeches, particularly in the border areas which adjoin Pakistan as they can easily escape arrests by the Police by crossing the borders of India and entering into the territory of Pakistan.

Further, it is also in the evidence of G.W.4, Shri Harbhajan Singh Gill, DSP, CID, Amritsar, that in spite of the Government declaring the National Council of Khalistan as an unlawful association right from 1st May, 1982, till this day, under successive notifications as confirmed by two earlier Tribunals, some of the office-bearers of the National Council of Khalistan and its activists have been indulging in secret unlawful activities by raising slogans and delivering speeches in support of their claim for the establishment of an independent and sovereign State under the name of "Republic of Khalistan." According to him, the police could not take effective steps for arresting such activists and unlawful activities as their meetings and conferences were being held secretly and surreptitiously in respect of their plan to bring about the secession of the Sikh dominated areas within the territory of India extending to the States of the present Punjab and some parts of Himachal Pradesh, Haryana, and Rajasthan including the Union Territory of Chandigarh by their secession from the Union of India and thus attempting to disrupt the unity, sovereignty and territorial integrity of India. More or less

to the same effect is the testimony of G.W. 7, Shri Harjit Singh, the Superintendent of Police, CID, Amritsar.

According to G.W.13, Shri Sital Dass the Superintendent of Police, CID, Amritsar, there have been murders of political leaders, social workers, doctors, teachers, lawyers, and journalists who opposed the concept of the National Council of Khalistan and the unlawful activities were particularly directed against the Hindu community in general and in certain particular instances against the Sikhs who opposed their objectives and activities. Further, it is in the evidence of G.W. 15 that as per the reports appearing in the newspapers and the information received by him in his official capacity the activists and associates of the National Council of Khalistan and the Dal Khalsa operating through the agencies of splinter groups formed under different names and have been committing murders of prominent Hindu leaders, journalists, doctors, etc., etc., including the assassination of Smt. Indira Gandhi, who was responsible for the OPERATION OF BLUE STAR and also the retired Army Chief, Gen. A.S. Vaidya. G.W. 15 deposed that even the hit list prepared by these organisations disclosed that they are bent upon seeing the finish of the Hindu leaders who are opposed to the formation of Khalistan State. Further, it is in his evidence that the leaders and activists who have faith and belief in the slogan raised by the National Council of Khalistan, namely, the establishment of Khalistan, operated underground, by organising meetings, congregations, assemblies, Diwans, etc., and they disappeared the moment the police approached these congregations. He further deposed that the activists of the National Council of Khalistan have been indulging in violence, loot and spreading terror with a view to create demoralising effect among the Hindus, so that all the Hindus in Punjab State would go out of the State, resulting in the retention of only Sikhs and thereby achieve their goal of establishing a home-land for the Sikhs i.e., Khalsa State, for the Sikhs. According to him, the leading examples of the murders of Hindu leaders committed by the protagonists of Khalistan are the murders of Ex. M.L.A. Bansi Lal Khanna from Amritsar, Lala Jagat Narain and his son Ramesh Chandra, B.N. Tiwari of Chandigarh, who was employed in the Punjab University and the murder of Hindu passengers, excluding Sikhs, in bus near Muktsar, Dholma of Kapurthala, Chinak of Gurdaspur, Nausherpanua of Amritsar.

Further, it is in the evidence of G.W.7, Shri Harjit Singh, S.P., C.I.D., Amritsar, that after the ban on the National Council of Khalistan some of the Office-bearers, activists and associates of the National Council of Khalistan have gone underground. According to him, Balbir Singh Sandhu Secretary General, is not traceable since OPERATION BLUE STAR in June 1984. Ujagar Singh Randhawa and Hazara Singh of Chakh Misri Khan are in Amritsar District but they have gone underground. He further would have it that the Office-bearers and activists of the National Council of Khalistan on account of the ban on the Organisation are indulging in unlawful activities surreptitiously and maneuvering their presence here and there for purpose of addressing secret meetings and conferences of workers but they are beyond the reach of the Police and eluding arrest whenever the Police makes attempt for their arrest as they receive information through their own agents and informants set up in the entire State of Punjab. G.W. 13, Shri Sohan Singh, D.S.P., Gurudaspur, corroborated the testimony of G.W.7. More or less to the same effect is the testimony of G.W. 13, Shri Sohan Singh, D.S.P. Gurudaspur. Further, it is in his evidence that after the ban on Dal Khalsa and the National Council of Khalistan since 1982, the activists, extremists and the leaders who

believed in the slogan of Khalistan and Dal Khalsa viz., for the establishment of a Khalistan State i.e., independent sovereign State of the Sikhs, continue to operate under different names newly organised for the purpose such as Dashmesh Regiment, Khalistan Liberation Army, Khalistan Commando Force and Young Star etc., and they are carrying on the same activities which were being carried on by the Office-bearers and leaders of the Dal Khalsa and the National Council of Khalistan which were declared unlawful associations and they are continuing to spread the idea of Khalistan by holding secret meetings and raising slogans of Khalistan at Public functions by hoisting Khalistan Flag on Public Buildings. According to him (G.W. 13), the Police is unable to arrest these activists of these newly formed organisations because the Districts Gurudaspur, Amritsar and Ferozpur have a long riverine boundary with Pakistan and they can easily cross over to Pakistan, whenever the Police attempts to arrest them.

G.W. 6, Shri Bujjan Singh, D.S.P. C.I.D. Patiala, Punjab, narrates the anti-national and secessionist activities of the organisations like the National Council of Khalistan and the Dal Khalsa and their workers and activists within the Country subsequent to the issuance of Notification of the Central Government under section 3 of the Act. According to him, a considerable number of militant and terrorist leaders are propagating for the concept of Khalistan i.e., formation of sovereign State by severance of sikh populated areas from the remaining territory of India, a concept advocated by the National Council of Khalistan and Dal Khalsa by forming new organisations under different names like, the Khalistan Commando Force, Dashmesh Regiment, Khalistan Liberation Army, Khalistan Armed Police. He relied upon a news item, Ex. G-56, published in 'The Sunday Tribune' dt. 10-8-1986 which reports that one Manbir Singh Chaheru @ Gen. Hari Singh, self styled Commander of the Khalistan Commando Force and Major Baldev Singh Ghuman (Retd.), self-styled Foreign Minister of Khalistan, were arrested on 8th August, 1986 from the latter's residence in Jallundhar. He also refers to the news item, Ex. G-57, reported in the daily English Newspaper 'Hindustan Times' dated 11th August, 1986, which reports the murder of General A.S. Vaidya, Former Chief of the Indian Army, who was on the hit list of Punjab Terrorists and who had led the OPERATION BLUE STAR in the Golden Temple at Amritsar. The news item Ex. G-57 also refers to the arrest of 44 terrorists including that of Manbir Singh. The report further discloses that Col. Kahlon, who was related to Major (retired) Baldev Singh Ghuman, self-styled "Defence Minister of Khalistan" was also arrested along with Manbir Singh. He further relied upon the news item, Ex. G-58, published in "The Times of India" dated 12-8-1986 wherein it is stated that the "Khalistan Commando Force" Claimed responsibility for the murder of General Vaidya in Pune. In that report, it is stated that a person describing himself as "Gen. Baghel Singh", acting chief of the "Khalistan Commando Force" in a typed but unsigned note in Punjabi said that everyone connected with the destruction of Akal Takht would be sent to hell, and that the next target would be the other generals associated with the Operation Bluestar. It was also written therein that the Khalistan Force had "Liquidated" Gen. Vaidya after the arrest of Gen. "Hari Singh alias, Manbir Singh from Jallandhar. G. W-6 further relied upon a news item, Ex. G-59, published in the "Indian Express" dated 11th August, 1986, according to which, an anonymous Caller saying he was "from Khalistan" rang up the Pune bureau of the United News of India, threatening the life of an editor of a city daily.

G.W. 6 also relies upon a news item Ex. G-60 published in the daily newspaper Indian Express dt. 10-8-1986 which reports that the sikh terrorists of Punjab are receiving funds, weapons and other support from the supporters of the demand for Khalistan living abroad. Manbir Singh Chaheru alias General Hari Singh, self-styled Chief of the Commando Force has given information to the police regarding the hide-outs of the Khalistan Commando Force and that on the basis of information given by him, a huge quantity of arms and ammunition including one light machine gun, one SLR, one spring

field rifle, two muskets, two 303 rifles, one DDBL gun and 1082 cartridges were recovered by the Police. The report also mentions about the arrest of the retired Major of the Indian Army by name Baldev Singh Ghuman, from whose residence Manbir Singh was also arrested, for his involvement in anti-national and criminal activities of Manbir Singh group. Another retired army officer Lt. Col. H. S. Kahlon was also arrested by the Police on the information given by the said Baldev Singh Guman and huge quantities of arms and ammunition were recovered from his residence. The report also mentions about the arrest of the dreaded terrorist Jarnail Singh Halwara (Luchiana) who was involved in the murder of Sant Harchand Singh Longowal and also the arrest of Gurubachan Singh and Chenna Singh, both members of the five member Panthic committee, who had declared the formation of Khalistan in the last week of April, 1986 from the Golden Temple, Amritsar. Further, it is mentioned in the report that another dreaded terrorist Tarsem Singh Kohal, self-styled General of the so-called 'Khalistan Liberation Army' was arrested by the Police in Kapurthala district on 12-8-1986 on the information given by Manbir Singh alias General Hari Singh. The said Tarsem Singh admitted in his statement that he was involved in about 60 incidents of killings in Punjab and that he was the brain behind the killings of 15 innocent persons in a bus near Muktsar (Faridkot). G.W. 6 also relies upon the newspaper report Ex. F-61 published in the Times of India dated 11-8-1986, the newspaper report Ex. G-62 published in the Tribune dated 13-8-1986 and also the news report Ex. G-63 published in the Times of India dt. 15-8-1986 which disclose the above information about the arrest of the terrorists who are operating the killings of the Hindus in Punjab and actively working for the demand of formation of an independent and sovereign Khalistan State for Sikhs comprising of the Sikh areas of Punjab and adjoining States.

G.W. 6 further testified that on account of the ban on the anti-national, terrorist and secessionist organisations, viz., the National Council of Khalistan and the Dal Khalsa, since 1-5-1982; the activists, terrorists the militant youth and particularly those who had leadership qualities organised various organisations like the Khalistan Commando Force, the Dashmesh Regiment, Khalistan Liberation Army and a number of other organisations. According to him, the aims and objects of these various splinter groups are the same as advocated by the leaders, office-bearers and the activists of the National Council of Khalistan and the Dal Khalsa and that all such organisations have been indulging in anti-national, secessionist and terrorist activities as already referred to in the reports of the newspapers in the above paras.

The evidence of G.W. 10, Shri Prithipal Singh, is more or less to the same effect, and he has corroborated the testimony of G.W. 6 in all particulars and he has also relied upon the same newspaper reports referred to in the testimony of G.W. 6 as discussed above.

On a consideration of the oral and documentary evidence relied upon by the Central Government and also taking into consideration the evidence adduced in support of the grounds mentioned in the notification, Ex. G-5, as discussed and found above, and also the additional grounds and instances of unlawful activities indulged in by the office-bearers, members and the activists of the National Council of Khalistan, I hold that the Central Government has established that there is sufficient cause for declaring the National Council of Khalistan as an unlawful association.

Accordingly, I find point No. 1 in favour of the Central Government.

Point No. 2.—The next point that has to be determined by the Tribunal is whether the notification dt. 1-5-86, G-5, is in accordance with the provisions of the Act. The case of the Central Government in support of this question entirely rests upon the testimony of G.W. 1, Mr. Benjamin, who has been working as the Joint Secretary, Ministry of Home Affairs, Government of India, from 11-8-1985. It is established from his evidence that he has been representing the Government of India in this case as he has been dealing with the internal security matters, especially those related to the Punjab situation and the individuals and organisations whose activities are prejudicial to the interests of security

of the State and prejudicial to the maintenance of public order and who have been indulging in unlawful activities. From his evidence, it is further established that the Central Government issued the first notification, Ex. G-1, on 1-5-1982, under S. 3(1) of the Unlawful Activities (Prevention) Act, 1967, and published in the Gazette of India, Extraordinary dt. 1-5-1982 and that the same was referred to Hon'ble Justice D. N. Mehta, Judge, Bombay High Court, and after adjudication, the said Judge passed the order Ex. G-3, confirming the notification, Ex. G-1, holding that the National Council of Khalistan was an unlawful association under the Act. Further, it is established from his evidence that a similar notification, Ex. G-2, was issued by the Central Government on 1-5-1984 under S. 3(1) of the Act and on its reference to Hon'ble Justice P. R. Gokulakrishnan, former Judge of the Madras High Court and the present Chief Justice of Gujarat High Court passed an order Ex. G-4, confirming the notification, Ex. G-2, and holding the National Council of Khalistan as an unlawful association. It is also proved from the evidence of G.W. 1 that the first notification, Ex. G-1, as confirmed by the first Tribunal, was in force from 1-5-1982 to 30-4-1984, and the second notification, Ex. G-2, as confirmed by the second Tribunal by order Ex. G-4, was in force from 1-5-1984 to 30-4-1986. Further it is proved by G.W. 1 that the third notification, Ex. G-4, was issued on 1-5-1986 and the same is referred to this Tribunal under Ex. G-6, dt. 16-5-1986, for adjudication, which is the subject-matter in this case. I have already found under point No. 1 that the Central Government has established that there is sufficient cause for declaring the National Council of Khalistan as an unlawful association under Notification Ex. G-5, G.W. 1 has testified that he has relied upon the orders passed by the earlier two Tribunals confirming the earlier two Notifications issued by the Central Government under Section 3(1) of the Act

and the Central Government has issued the present Notification, Ex. G-5 after taking into consideration the various reports, information and data furnished to the Central Government by various agencies and sources including the Government of Punjab about the alleged unlawful activities of the National Council of Khalistan and its office-bearers, its activists and supporters. In view of my finding on the first point and also in view of the evidence of G.W. 1 as regards the Notification, Ex. G-5, issued by the Central Government, I hold that the Central Government has established that it has complied with the provisions of the Act and hence the Notification Ex. G-5 issued by the Central Government is valid.

In view of my findings on point No.-1 and point No. 2, I hereby confirm under Section 4(3) of the Act the declaration made by the Central Government in the Notification, Ex. G-5 dated 1-5-1986.

A copy of this order is directed to be forwarded to the Central Government immediately for being published in the Official Gazette of India.

This order is pronounced on this the 30th day of October, 1986 in open Tribunal Enquiry held in the Assembly Hall of the Ground Floor of the Punjab Bhavan at New Delhi.

30th October, 1985

Sd/-
CHAIRMAN

[F. No. II/17017/38/86-IS(O.VIII)]
C. T. BENJAMIN, Jt. Secy.

